



January 25, 2010

VIA ECF and FIRST CLASS MAIL

The Honorable William D. Wall
United States District Judge
United States District Court
Eastern District of New York
100 Federal Plaza
P.O. Box 9014
Central Islip, New York 11722

Re: Napolitano v. Livingston Foot Care Specialists, P.C. et al.
Case No.: 09-CV-4154

Dear Judge Wall:

I represent defendants Livingston Foot Care Specialists, P.C., Dr. Leon Livingston and Dr. Douglas Livingston in the above referenced matter. I am writing at the request of plaintiffs' counsel, Jeffrey M. Gottlieb, on behalf of all of the parties.

The initial conference in this case has been scheduled for February 9, 2010. In anticipation of the conference, the parties have been engaged in an on-going dialogue concerning the facts and circumstances of this case. As a result of this exchange of documents and information, we anticipate that all or a significant part of the case may be dismissed.

Although we have been diligent in these efforts, we do not believe that we will have this resolved prior to the conference. We respectfully request that the initial conference be adjourned for 30 days to allow counsel and the parties a sufficient time in which to complete this process.

The initial conference date of February 8, 2010 was previously adjourned to February 9 due to a scheduling conflict.

Respectfully Submitted,

/S/ Clare M. Sproule

Clare M. Sproule

cc: Jeffrey M. Gottlieb, Esq.